

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JACK LOUMENA,  
Plaintiff,

v.

PAMELA KENNEDY, et al.,  
Defendants.

Case No.: 14-CV-04165-LHK

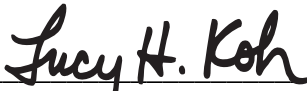
**ORDER RE: RESPONSE TO ORDER  
TO SHOW CAUSE**

Re: Dkt. No. 21

In response to the Court's Order to Show Cause Why Case Should Not Be Dismissed For Failure to Prosecute, ECF No. 20, Plaintiff Jack Loumena filed a response indicating that "Plaintiff has diligently and with great effort pursued discovery and has engaged in settlement negotiations with Defendant Walter P Hammon in particular." ECF No. 21 (Response) at 1. The Response does not explain why Plaintiff failed to timely file a response to the Defendants' Motion to Dismiss, ECF No. 3. Nonetheless, because Plaintiff has responded to the Order to Show Cause, the Court will not dismiss the case for failure to prosecute and will decide the Motion to Dismiss on the merits. The briefing on the Motion to Dismiss is now closed, and the Court will not consider any further briefing on the Motion to Dismiss. The hearing on the Motion to Dismiss remains set for March 12, 2015 at 1:30 p.m.

**IT IS SO ORDERED.**

Dated: February 19, 2015



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Lucy H. Koh  
United States District Judge

United States District Court  
Northern District of California